



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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Fourteenth session

SUMMARY RECORD OF THE 268th MEETING

Held at Headquarters, New York,
on Friday, 20 January 1995, at 3.15 p.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

later: Ms. AOUIJ
(Vice-Chairperson)

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consolidated in a single corrigendum, to be issued shortly after the end of the
session.



In the absence of the Chairperson, Ms. Garcia-Prince,
Vice-Chairperson, took the Chair.

The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial and second reports of Mauritius (CEDAW/C/MAR/1-2)

1. At the invitation of the Chairperson, Ms. Dubois (Mauritius) took a place at the Committee table.
2. Ms. DUBOIS (Mauritius), introducing the combined initial and second periodic reports of her country, said that her Government's commitment to the cause of women was illustrated by the fact that it had established a Ministry for Women's Rights and Family Welfare. At the same time, the tradition of women's subordination remained strong and would have to be overcome. The Government was working to encourage the empowerment of women through social and economic development. Significant changes had taken place since 1992 when the report was submitted; Mauritius was now a republic. Accordingly, it no longer had a Governor-General but a President, who was elected by the members of the Legislative Assembly.
3. The country currently enjoyed almost full employment and a favourable balance of trade and exchange rates. The main economic sectors were manufacturing, agriculture and tourism and services. Manufacturing was the driving force of the Mauritian economy, accounting for 25 per cent of the gross domestic product (GDP).
4. The reservations made to the Convention regarding articles 11.1 (b) and (d) had since been waived. The concepts of equal employment opportunity and "equal pay for equal work" were currently well established and were being applied in all sectors. Moreover, the right of women to choose a profession was now embodied in national legislation, as was the right of married women to have the name of their choice.
5. With the creation of a Ministry for Women's Rights and Family Welfare, a new era of conscious advocacy for women's rights had begun. The Ministry's focus had shifted from community welfare to addressing the women's equity issues and the needs stemming from their productive and reproductive roles. In order to increase the effectiveness of the inter-ministerial committee dealing with women's affairs, a training programme on gender analysis and planning for desk officers and senior policy officials was being organized with the help of UNDP.
6. All citizens of Mauritius were equal before the law, and the Constitution enshrined a philosophy of equality. While section 16 specifically protected the citizen against discriminatory laws and measures, it made no reference to sex. The major amendments to the Napoleonic code since 1981 had gone far towards empowering women legally and giving them equal treatment with men. Women were no longer treated as minors, or as chattel. They had the right to choose their

matrimonial regime, although under the joint property regime, the husband retained exclusive control over such property. However, although formal discrimination under the law had almost disappeared, economic, social and cultural barriers and attitudes still prevented women from exercising their legal rights.

7. Accordingly, the policy focus must shift from ensuring formal equality of access to taking concrete and positive steps towards achieving equality in the outcome of social processes. Women's triple burden of reproductive, productive and community management roles must be made visible and its value acknowledged. Those multiple roles dictated a multisectoral, holistic approach to development and the development of women. Having made progress in the areas of education and employment, women were less willing to tolerate continuing subordination and inequity.

8. The Ministry for Women's Rights and Family Welfare had been instrumental in achieving policy reforms, but it suffered a serious shortage of human resources. Training programmes had been developed in order to overcome those deficiencies. A White Paper on women in development was under preparation, which was intended to develop an overall policy framework including detailed strategies and an action plan aimed at promoting the empowerment of women. Its production coincided with the preparations for the Fourth World Conference on Women.

9. Special temporary measures had been taken to accelerate equality in the fields of education and training. In addition, a project for women entrepreneurs was being implemented, with the collaboration of UNIDO, to facilitate women's self-employment. Protective legislation had been enacted to safeguard the labour rights of women relating to childbirth and nursing of infants. Legislation in the agricultural sector also provided for women's early retirement.

10. The Government had taken measures to eliminate stereotypes and negative images of women in textbooks and the media. It had also enacted legislation to give civil effect to religious marriages.

11. With regard to traffic in women and the exploitation of women, there had been no indication that prostitution had increased as a result of the development of the tourist industry. However, reports of sexual harassment were on the increase. Cases often went unreported out of fear of reprisals or social stigma. Information on the experience of other countries where sexual harassment policies had been introduced and grievance procedures developed would be very useful.

12. Although women were no longer barred by law from entering politics and public life, very few women were involved in politics or in the decision-making process. Although Mauritian women had acquired the right to vote in 1947, they did not have equal access to power; they rarely had the opportunity to vote for a woman candidate. The driving forces for change were the universal access to education for both girls and boys, the emergence of women's issues as a major focus, and the increasing number of educated women past their childbearing years who had time to devote to politics. The time was ripe for State intervention to

give impetus to the increased participation of women in politics and decision-making.

13. At present a Mauritian woman could not confer Mauritian nationality on her children or her spouse, as could a Mauritian man. Women's movements had been pressing for amendment of that law, which they considered discriminatory. There were indications that the law might be relaxed in the near future.

14. Education remained the main avenue for changing the position of women in society and for developing the human resource potential which underpinned the economy. However, despite having equal access to education, girls and women still tended to opt for traditional fields of study. The importance parents attached to education for girls depended in large measure on their own educational level as well as on their perception of employment opportunities for girls. Accordingly, efforts to change parental attitudes would have to be coordinated with efforts to change employers' attitudes and practices of employers regarding the employment of women. The Government had developed a master plan to reform the educational system and improve its quality and access for all children. At the university level, men outnumbered women by far because the courses offered were engineering, law and science, fields not traditionally chosen by women.

15. The situation regarding employment-related matters as set out in the report had not drastically changed; however, the Widows' and Orphans' Pension Scheme for public officers had been revised and renamed the Family Protection Scheme. Both men and women now contributed to the scheme. The labour force participation rate of women had increased from 28 per cent in 1983 to nearly 44 per cent in 1993.

16. A key strategy for the economic empowerment of women was the development of entrepreneurship, opening the way to greater autonomy and financial independence. Some women appeared to be exploring self-employment as a more flexible and congenial alternative to wage employment, and as a means to circumvent the "glass ceiling". Conscious of this, the Ministry for Women's Rights and Family Welfare was promoting a Women's Entrepreneurship Development Programme.

17. In principle, Mauritian women had the right to work if they were aged at least 16 years and less than 60 years. Married women could open bank accounts and set up business or trade without the consent of their husbands. There were no women in the armed forces, but there were a number of women police constables and officers; they were specially trained to deal with cases of domestic violence and child abuse. A woman constable was available at all times in the main regional police station to handle cases of that type.

18. Investments in social infrastructure and fertility control, and improvements in nutrition, health and hygiene had produced remarkable improvements in women's health, reflecting a rise in the status of women; however, it was suspected that there was still a high prevalence of backstreet abortions in low-income, poorly educated groups. Family planning services were being decentralized and made available to young people. The incidence of AIDS, while not at an alarming level, was increasing; special programmes for the early

detection of breast and cervical cancer were being organized throughout the island. The Government recognized that there was room for improvement in the health services.

19. Socio-legal reforms had virtually ended the formal subordination of women through marriage, and other forms of discrimination which denied women formal access to public life and other entitlements. Social policy addressed vulnerable groups of women such as those who had lost conjugal entitlements through desertion, separation, or the death of a husband. Universal welfare provisions, while not specifically targeting women, had done much to improve their status.

20. Regarding the status of rural women, there was little difference between urban and rural areas in Mauritius. Roads, transport facilities, schools, hospitals, electricity and telecommunications were of good quality throughout the island. Rural society was, of course, relatively traditional and paternalistic; at the same time, the existence of extended families and the higher commitment to the sharing of responsibilities that existed among villagers was likely to contribute to women's participation in the labour force, and help ease family problems.

21. A series of amendments to various laws had been introduced to ensure women's equality before the law; for example, an amendment had recently been initiated to raise the age of consent for girls from 12 to 16. Programmes of legal literacy for women had been organized in order to improve their awareness of their legal rights, and the National Women's Council had been commissioned to organize a Family Counselling Service. There was, however, a need to design legal education strategies to reach the most disadvantaged women, and to review the legislative framework in relation to issues such as domestic violence, sexual harassment and rape. Efforts were being made to sensitize the population to such problems, and police and other officials were receiving special training. A Domestic Violence Bill was also being prepared; however, in order for the legal reforms to work in practice it would be necessary to foster a change in attitudes.

22. Marriage and family laws had been amended to ensure the equality of both spouses. Religious marriages were now recognized by law provided that the marriage was registered. Illegitimate or natural children could inherit their fathers' property, and the disadvantages attached to illegitimacy had been removed. Men and women had the same right to enter marriage, and the legal age for marriage was 18 for both sexes.

23. Changing the laws could not, of course, guarantee that women would indeed enjoy equal rights in marriage, since there were many other factors which came into play, including pressure from the husbands. Accordingly, information and education campaigns were needed.

24. She concluded by stressing that the Government was strongly committed to the goal of equal rights for women, as it considered the participation and full integration of women in society as essential to development and the establishment of true democracy.

25. The CHAIRPERSON thanked the representative of Mauritius for her frank presentation, and noted that major progress had been made in education and health care, although inequalities still existed in other areas, such as employment. She invited members to ask general questions.

26. Ms. CARTWRIGHT asked whether the Government had, indeed, withdrawn its reservations to articles 11 and 16 of the Convention. Given the small number of women in influential positions and public office, she was concerned to hear that the Government wished to encourage women to seek private-sector employment. Women would continue to be marginalized if they were confined to the private sector.

27. Regarding article 2 of the Convention, she wondered if there was some inconsistency in terms of the definition of discrimination, given that section 16 of the Constitution did not seem to include discrimination on grounds of gender.

28. Ms. OUEDRAOGO said that it would have been useful if the report could have given a clearer indication of how the situation had changed over time. Also, she wondered what exactly was the relationship between the National Women's Council and the Interministerial Committee, and between those two bodies and the Ministry of Women's Rights and Family Welfare.

29. Ms. MÄKINEN expressed concern at the paucity of specific data regarding violence against women in the report, although the oral presentation had provided some additional information.

30. Ms. BERNARD said that the omission from the Constitution of Mauritius of any reference to discrimination on grounds of gender was, in itself, a form of discrimination, and should be corrected as a matter of urgency. She would welcome additional information regarding the Sex Discrimination Committee, its composition, and the recommendations it had produced.

31. Ms. AOUIJ noted that improved employment opportunities would give women greater economic autonomy and strengthen their human dignity. Regarding the Government's earlier reservations to the Convention, she wondered whether the appropriate procedure had been carried out for their withdrawal, and what new laws had been enacted to give effect to the corresponding provisions of the Convention.

32. Urgent measures were called for in respect of the social integration of prostitutes and the eradication of trafficking in women. She also expressed concern to hear that maternity leave was given only for the first three pregnancies, particularly since abortion was severely punished; she wondered if family planning services were fully available to women in all areas of the country. She would also welcome further information as to the practical application of the legislation entitling working mothers to a one-hour break for breast-feeding.

33. Ms. SCHÖPP-SCHILLING requested additional information regarding the multiracial and multicultural nature of Mauritian society; she wondered whether it had caused any problems, and what, if any, had been their impact on women.

Article 2

34. Ms. SATO asked whether the Government had considered amending the Constitution to prohibit sexual discrimination, or enacting legislation to provide for equal opportunities in employment.

35. Ms. JAVATE DE DIOS expressed concern regarding certain exceptions to the anti-discrimination laws, particularly regarding areas such as marriage, divorce and inheritance. Since continued existence of such exceptions would negate the spirit and intent of the other progressive laws which had been enacted, she urged the Government to reconsider them.

36. Ms. Aouij, Vice-Chairperson, took the Chair.

Articles 3 and 4

37. Ms. JAVATE DE DIOS, speaking in reference to both articles 3 and 4, welcomed the initiative to provide policewomen with special training in order to help them deal with cases of wife battering and child abuse. She wondered whether such programmes would be institutionalized and extended to the judiciary and to the general public.

38. Ms. BARE, speaking in reference to article 4, referred to paragraphs 56 and 60 of the report. Noting that the women of Rodrigues were poor in comparison to the rest of the population, she wondered whether the Ministry for Women's Rights and Family Welfare would take special measures to increase the health facilities, job opportunities, and education and training programmes available to them. Referring also to the high incidence of teenage pregnancy in that group (para. 59), she asked whether family planning services were offered for teenage girls and for teenage boys as well.

39. Ms. AYKOR, referring to the special temporary measures outlined in paragraph 90 of the report, made the general observation that despite those measures of positive discrimination, the status of individual women continued to be determined by traditional and cultural attitudes. Certain temporary measures, such as the decision to convert two co-educational State secondary schools into State secondary schools for girls only, were actually contrary to the intent of the Convention and the recommendations of the Committee. While the establishment of the Ministry for Women's Rights and Family Welfare was, indeed, a very valuable step towards eliminating discrimination, it should not be regarded as a measure of positive discrimination since, according to the Nairobi Forward-looking Strategies for the Advancement of Women, establishment of such positive machinery was imperative. Lastly, she wished to know whether the protective legislation introduced in the agriculture and manufacturing sectors was designed to improve women's status or to ensure that they remained in certain "feminized sectors".

40. Ms. SHALEV said that she shared Ms. Aykor's concerns. Training in industrial sewing as an affirmative action measure merely reinforced the segregation of the labour market and the stereotypes about women and their aptitude for employment. The introduction of employment training programmes in such areas as management, banking, technology and engineering would constitute

genuine affirmative action. Referring to the table on males and females holding professional positions in the Civil Service, contained in paragraph 125, she asked whether the Civil Service was taking measures to promote women and encourage their appointment to special positions. The report seemed to indicate some confusion between the concepts of affirmative action and protective legislation, which the Committee would be happy to clarify.

Article 6

41. Ms. BUSTELO GARCIA DEL REAL requested clarification of the legislation concerning prostitution, whose objective seemed to be the protection of society against prostitutes rather than the safeguarding of prostitutes' basic human rights. That gave cause for concern, as prostitutes were particularly vulnerable to economic exploitation, violence and health risks. She wondered whether it was illegal for clients to solicit prostitutes just as it was illegal for prostitutes to solicit clients. She also wished to know whether clients as well as prostitutes were subject to compulsory medical examinations, in keeping with the principle of non-discrimination on grounds of sex. Referring to paragraph 261, which contained a declaration on "Women and AIDS", she welcomed its recognition of the fact that women were often the victims, and not the causes, of sexually transmitted diseases.

42. Noting that tourism was a major economic activity in Mauritius, she asked whether special measures were taken to protect minors against "sexual tourism". It would also be useful to know whether immigrants worked as prostitutes and, if so, whether Mauritian law prohibited trafficking in women for purposes of prostitution or any other economic activity in the informal sector.

43. Ms. BERNARD said that she shared those concerns.

44. Ms. JAVATE DE DIOS voiced similar concerns. She urged the Mauritian Government to provide more information on its policy regarding sexual tourism, which was rather ambivalent and did not enable the Committee to ascertain the extent and magnitude of the problem.

Article 7

45. Ms. BERNARD asked whether steps were being taken to increase the representation of women in the diplomatic service and in political decision-making. She noted the lack of women judges in the judiciary despite the fact that, according to table 25 (para. 167), there seemed to be an equal number of male and women graduates of the law faculty of the University of Mauritius.

Article 9

46. Ms. BERNARD, referring to paragraphs 139 and 141 of the report, requested clarifications of the term "privilege", which suggested that the granting of citizenship was optional and could be withdrawn at any time. She wondered whether the Mauritian Government contemplated granting citizenship, as a right, to the husbands of Mauritian women, just as it granted that status to the wives of Mauritian men.

Article 10

47. Ms. ESTRADA CASTILLO noted a clear sexual orientation in the alternative training programmes offered to women who did not have access to higher education. She wondered if training was offered in areas other than hairdressing, sewing and typing.

48. Ms. OUEDRAOGO expressed similar concerns. She welcomed the programme of female literacy offered through the Women's Centres and Social Welfare Centres (para. 171) and the adult education programmes offered by the Ministry for Women's Rights and Family Welfare (para. 172). She, too, however, was concerned by the content of the programmes. Courses in nutrition and child care would be more practical, as they would help future mothers to ensure the health of their families. Considering that, even in the informal sector, men usually had business training, women should be given training in management and entrepreneurial skills. She wondered whether the Mauritian Government planned to offer such training.

Article 11

49. Ms. MÄKINEN asked when the labour laws would be amended to ensure that women working in the Export Processing Zone enjoyed the same rights as persons working in other sectors, both public and private. She also wondered whether it was discriminatory to prohibit women from working at night, since the remuneration for night work (for example, the job of night watchman) was often higher. She asked whether the Orphans' Pension referred to in paragraph 190 was also payable to children of single-parent families. Lastly, she would appreciate more information on the need for day-care services. In particular, she wished to know whether they were free of charge or government- or employer-subsidized, and whether they were offered to single parents on a priority basis.

50. Ms. LIN Shangzhen welcomed the fact that the Mauritian Government had not reduced the resources allocated to the Ministry for Women's Rights and Family Welfare, even at a time of recession and structural adjustment. She requested additional information on the functioning of the Ministry, in particular whether it had been institutionalized at the local level, since its organization chart (para. 72) did not indicate the existence of local branches. She also wondered whether it collaborated fruitfully with other ministries, as the desk officers it appointed to other ministries seemed to be mainly concerned with reporting inadequacies to the Ministry for Women's Rights and Family Welfare.

51. She inquired whether the three-month maternity leave granted to women in both the public and private sectors was paid or unpaid, and whether that generous amount of time was fully respected by private firms. She would also appreciate details on the practical implication of the provision of the Labour Act of 1975 granting new mothers daily one-hour breaks to enable them to nurse their children.

52. Ms. JAVATE DE DIOS said that she was pleased but surprised to learn that structural adjustment had not resulted in cutbacks to social services. She wondered, however, if other government policies on, inter alia, taxes and the price index, might have affected women's lives. Perhaps the Mauritian

Government could provide more information in that regard when it submitted its third periodic report.

53. She referred to the increasingly important role of women in the labour force, as illustrated in tables 27, 28 and 30, contained in paragraphs 206, 208 and 210. Noting that women were estimated to account for 46 per cent of the labour force, she asked whether the Government was providing services to respond to their increasing health, child care and retraining needs, particularly in the Export Processing Zone. She also wondered whether the Government was taking steps to deal with some of the negative aspects of women's participation in the labour force, such as the fact that many of them, particularly non-Mauritian women, held low-paying jobs which offered little security and were characterized by poor working conditions.

54. Ms. ESTRADA CASTILLO noted that minors under the age of 16 were in employment, but according to International Labour Organization regulations that was illegal. She would welcome statistical information on the work done by minors and wondered whether there were any special laws in force to protect them.

Article 12

55. Ms. SHALEV applauded the programmes for early detection of breast and cervical cancer, but said she would appreciate more information on family-planning services in Mauritius because the assertion that such services were free and easily accessible seemed to be contradicted by the incidence of unsafe abortions among poorer women. The reporting State should also indicate the prospects for revision of legislation relating to abortion. With regard to paragraph 354 of the report, she expressed concern that the husband's consent was still necessary for sterilization, and inquired whether the pressure to bear male children had impacted on women's need to have abortions and the family-planning service in general.

56. Ms. JAVATE DE DIOS said that Mauritian family-planning programmes did not seem to be particularly responsive to the needs of working women and asked whether such services were available to all women regardless of their age or status. The reporting State should also clarify how the Government was addressing the problem of unwanted pregnancies among Rodriguan women.

57. Ms. ESTRADA CASTILLO said that paragraphs 245 and 246 of the report implied that married mothers were entitled to State benefits whereas single mothers were not. She found such a situation discriminatory and asked what was being done to address it.

Article 14

58. Ms. OUEDRAOGO wanted to know whether women working in the agricultural sector could be landowners or not, and sought particular clarification on the ownership rights of single rural women.

59. Ms. BARE referring to paragraph 287 of the report, asked whether the Government had taken any measures to combat environmental degradation and if so, what role were women playing in those measures. In addition, the meaning of the

term "changing food habits" was unclear. Comparing paragraphs 287 and 292 of the report, and in the light of the statement that there was a rural labour shortage, she would appreciate a more precise indication of working hours in rural areas.

Article 16

60. Ms. SHALEV said that further details on the dissolution of marriages would be welcome, in particular some indication of whether religious law applied in such cases. If it did, she wanted to know about the resulting impact on women and whether the terms of a religious divorce could be imposed on them. The reporting State should also make clear whether children born of religious and civil marriages had absolutely identical rights.

61. On the issue of domestic violence mentioned in paragraphs 352 and 353 of the report, it would be useful to know more about the actual state of affairs in such cases, and particularly whether a married woman had a right of shelter elsewhere than in her husband's home. Similarly, with regard to paragraph 379, she would appreciate additional information on post-divorce reality, especially since the report admitted that women often found themselves in a position of inequality following a divorce settlement. She also inquired whether the Government had instituted programmes to train judges in the concept of gender-equality in connection with divorce.

62. Ms. BERNARD said that the implications of paragraph 371 of the report regarding the 300-day waiting period before remarriage seemed to discriminate against women and the Mauritian Government should explain its position on the matter.

63. Ms. ESTRADA CASTILLO said that it would be useful to have more details about the economic system in which spouses lived and how that system translated into pressure for arranged marriages. The information should be expressed in percentage terms. Regarding custody of children after divorce, she asked for more data about the criteria used in considering who should get custody and whether judges were trained to identify the more suitable parent.

64. Ms. DUBOIS (Mauritius) said she would communicate the Committee's questions to the appropriate authorities in her Government and hoped to be able to provide answers by the following week.

The meeting rose at 6 p.m.